

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BLITZSAFE TEXAS, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 2:15-cv-1274-JRG-RSP
	§	[Lead Case]
VOLKSWAGEN GROUP OF AMERICA,	§	Case No. 2:15-cv-1278-JRG-RSP
INC. & VOLKSWAGEN GROUP OF	§	[Member Case]
AMERICA CHATTANOOGA	§	
OPERATIONS, LLC.,	§	
	§	
Defendants.	§	

ORDER


The Magistrate Judge’s Report recommended that Defendants Volkswagen Group of America, Inc. and Volkswagen Group of America Chattanooga Operations, LLC’s Motion to Dismiss Plaintiff Blitzsafe Texas, LLC’s First Amended Complaint for Failure to State a Claim. (Dkt. No. 24 (2:15-cv-1278)) be **DENIED**. The Magistrate Judge’s Report found that the complaint stated a plausible claim for relief under the standards set forth by the Supreme Court in *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

Defendants have not objected to the Magistrate Judge’s Report. The Court further finds there is no clear error in the Report. *See* Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 addition (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citing *Campbell v. United States Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974))). Accordingly, the Court **ADOPTS** the Magistrate Judge’s Report and Recommendation (Dkt. No. 135 (2:15-cv-1274); Dkt. No. 27

(2:15-cv-1278)) and finds Defendants Motion to Dismiss Plaintiff's First Amended Complaint for Failure to State a Claim (Dkt. No. 24 (2:15-cv-1278)) is **DENIED**.

So Ordered this

Sep 12, 2016



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE